

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**ELMER RENE HERNANDEZ,**

Defendant

8:21CR175

## ORDER

This matter is before the court on defendant Elmer Rene Hernandez's unopposed Motion to Continue Trial [80]. On November 1, 2022 the court held a telephone conference with the attorneys. Based on what was stated in the telephone conference and for the reasons set forth in the motion, the undersigned magistrate judge finds good cause to grant the motion. For good cause shown,

**IT IS ORDERED** that the Motion to Continue Trial [82] is granted, as follows:

1. The jury trial now set for November 15, 2022, is continued to **January 4, 2023**.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendants in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and January 4, 2023** shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(6), (7)(A) & (B)(iv).
3. **No further continuances will be granted without counsel for the parties requesting a hearing before the undersigned magistrate judge.**

**DATED: November 1, 2022**

**BY THE COURT:**

**s/ Susan M. Bazis**  
**United States Magistrate Judge**